the land sold." The notice in the form of Schedule XXXIII used to notify and advertise this auction was less than foolscap in size, it was printed and typed in very small print and in Jawi and the upset price fixed must have been very modest. Che Zahir has not pleaded breach of this Rule as a ground for invalidating the sale, but it would seem to me that better administrative arrangements could and should be made to prevent valuable lands going for a song, though I say this fully realising the importance to the State of Kedah of expeditious and cheap ways of collecting land revenue. Had a realistic price been obtained for these lands, most probably the plaintiffs would have had no cause for complaint.

Claim dismissed.

Solicitors: *Jayadewa & Zahir; M. Abraham.*

WOK v. FATIMAH

[O.C.J. (Hashim J.) August 7, 1963]

[Kota Bharu — Civil Suit No. 13 of 1961]

Land Laws—Possessory title—Land officer issuing to defendant—Plaintiff's appeal to District Officer and to High Court refused—Plaintiff commencing fresh suit in High Court—Whether plea of res judicata available—Kelantan Land Settlement Ordinance, 1955, ss. 5, 10.

On February 22, 1960 the land officer held an inquiry in respect of the land in question under section 5 of the Kelantan Land Settlement Ordinance, 1955 and gave a possessory title to the defendant. The plaintiff appealed to the District Officer (who dismissed the appeal on May 1, 1960) and subsequently to the High Court which dismissed her appeal on January 14, 1961. The plaintiff then filed the present suit on April 26, 1961. The defence raised the plea of *res judicata* as a preliminary issue.

Held: all that a land officer can do under the Kelantan Land Settlement Ordinance, 1955 is to give a possessory title to the person who is found in possession of the land at the time of the inquiry. This possessory title becomes absolute after the expiration of 3 years from the date of such registration under section 10 of the said Ordinance. As these proceedings were filed well within the period of 3 years the plea of *res judicata* fails.

CIVIL SUIT.

H. L. Wrigglesworth for the plaintiff.

Hashim bin Abdul Hamid for the defendant.

Hashim J.: In this case a preliminary issue has been raised by a plea of *res judicata* by the defence.

The following facts are admitted and not denied:—

(a) On 22nd February 1960 the land officer held an inquiry in respect of Lot 456 Mukim Bechah Palas, Bunut Susu under section 5 of the Kelantan Land Settlement Ordinance, 1955. He gave a possessory title to Che Fatimah binti Awang the defendant in this case.

(b) Wok binti Mat Diah, the plaintiff in this case appealed to the District Officer who dismissed the appeal on 1st May 1960.

(c) Wok again appealed to the High Court which dismissed her appeal on 14th January 1961.

(d) Wok then filed this present suit on 26th April 1961.

The defence is that as Wok's appeal has been dismissed by the High Court she is precluded from bringing in this suit. My interpretation of this Ordinance is that all the land officer can do is to give a possessory title to the person who is found in possession of the land at the time of the inquiry. This possessory title becomes absolute after the expiration of three years from the date of such registration under section 10 of the Ordinance. As these proceedings were filed well within the period of three years I am of the opinion that the plea of *res judicata* fails. The Assistant Registrar, Supreme Court, will now fix a date for the resumed hearing of this case.

Order accordingly.

ABDULLAH v. GLADWIN

[O.C.J. (Winslow J.) August 26, 1963]

[Singapore — Suit No. of 1962]

Damages—Road accident—Personal injury—Brain—Anaesthesia of right side of body—Possibility of injury to spinal cord or brain—Mental stress brought about by litigation—Lack of potency—Change in personality—Possibility of loss of job.

The plaintiff aged 33 years and employed in the Police Force at a salary of $175.00 per month was injured in a road accident. He sustained injuries including a haematoma of the left parietal region of the head. He had internal pains on the right side of the body which had become externally numb. The medical evidence confirmed that (i) the anaesthesia on his right side was due to hysterical or self induced hypnotic state (with probably a slight organic base); (ii) either the spinal cord or the brain had been affected and that there was undoubted brain injury; (iii) stress of litigation had caused severe anxiety neurosis which had retarded his mental faculties; (iv) the plaintiff's personality had not been any better even before the accident; (v) although the plaintiff's condition would improve to a certain extent it was a matter for speculation whether he would improve to any great extent; (vi) that the plaintiff's lack of sexual vigour was due more to mental than to physical causes which may or may not be related to the accident. It was also disclosed in evidence that the Police authorities had been charitable in keeping him in the Police Force after the accident.

Held: although the plaintiff had sustained some injury to his brain or spinal cord there was little evidence of any marked change of personality or loss of earnings as the plaintiff was still employed by the Police Force and was in receipt of his usual salary. General damages assessed at $12,000.

Observations on award of heavy damages in English cases on brain injury or anxiety neurosis.

Cases referred to:—

(1) *Jenkins* v. *Greenwood* (1953) 1 Kemp & Kemp 2nd Edn. 200.

(2) *Thomas* v. *Wells* (1957) 1 Kemp & Kemp 2nd Edn. 210.

(3) *Slipman* v. *London Transport Executive* (1951) 1 Kemp & Kemp 2nd Edn. 672.